

Battle Creek City Planning Commission

Staff report for the June 23, 2010 meeting

To: Planning Commissioners

From: Christine M. Hilton, AICP, Planning Supervisor
Planning and Community Development Department

Date: June 16, 2010

Subject: Petition A-02-10, Proposed amendment to Ch. 1296 “Signs”

Petition from Vandervoort, Christ & Fisher, P.C., representing Sun Hospitality, Inc. requesting an amendment to Chapter 1296 “Signs” of the Battle Creek Zoning Ordinance that regulates signage. The proposed amendment would allow for a copy replacement on legal nonconforming signs, add a criterion to the variance process, widen the scope of allowable signage for properties within 100 feet of the highway (I-94), and general language revisions.

HISTORY / BACKGROUND

The bulk of the sign ordinance was adopted in 1984 with a few changes in subsequent years to revise or address regulations including temporary signs and changeable copy signs. The ordinance is lengthy, typical of a sign ordinance, in order to adequately encompass the multiple types of signs for a multitude of uses and purposes.

The applicant of petition A-02-10, Sun Hospitality, Inc., owns a hotel at 5050 Beckley Road that has an existing freestanding sign adjacent to Beckley Road. The sign is taller and larger in area than what is currently allowed by ordinance, but as it was constructed lawfully in accordance with the ordinance at the time of construction and is considered legal nonconforming. The hotel has now changed parent companies and has changed their name which has facilitated a need to change the copy of the freestanding sign.

Chapter 1296.28 of the ordinance (pg. 18) allows for maintenance of nonconforming signs “exactly as it existed at the time” of the nonconformance, and prohibits structural alterations, changes to the copy of the sign, panel replacement for box signs, and reconstruction after damage of more than 50% of its replacement cost. Therefore, any business that has a legal nonconforming sign on their premises is only allowed general maintenance of their sign and is not allowed to change the copy of the sign whether it is an actual new business, or simply a logo or wording change.

If these changes are warranted for a business that has a legal nonconforming sign, the ordinance requires that the legal nonconforming sign be removed and a new sign erected that is in compliance with the ordinance. An applicant may also apply to the Zoning Board of Appeals (ZBA) for a variance to allow the copy change on the existing sign; however, the criteria for approval established by statute

and local ordinance is quite strict and the majority of properties would have difficulty proving these criterion have been met. The petitioner for ordinance amendment A-02-10 had applied to the ZBA earlier this year for a variance, and this request was denied as it did not meet the criteria.

Thus, to lessen the regulations concerning legal nonconforming signs throughout the entire city, the petitioner has made application to revise three sections of Chapter 1296. Staff has had very few problems in administering the code and other than updating the Cross References, has no other recommended changes at this time.

PROPOSED AMENDMENT A-02-10 / Summary and Analysis

The existing sign ordinance in its entirety is included with this packet. With exception of the section headers, the proposed additions are underlined and deletions struck through. The amendments to this ordinance being requested at this time include the following:

1296.28 CONDITIONS FOR MAINTAINING NONCONFORMING SIGNS. (pg 18 of attached ord.)

A lawfully erected sign which is made unlawful by this chapter may continue to be maintained exactly as it existed at the time the maintenance thereof became otherwise unlawful under this chapter, provided that such nonconforming sign shall not:

(b) Have changes made to the copy if advertising for a substantially different use, unless the sign is an off-premise sign, bulletin board or similar type of sign designed for periodic copy changes.
~~Changes to copy to advertise for uses that are substantially the same are not unlawful. Have changes made to the copy unless the sign is an off-premises sign, bulletin board or similar type of sign designed for periodic copy changes;~~

Summary

The proposed revision to this section of the ordinance will allow for changes of copy on nonconforming signs only if the change is needed for a substantially similar use. For example, an existing business that has a logo or branding change would be allowed to replace the copy of their existing nonconforming sign, as would a change in business of a similar use (i.e. retail to retail, hotel to hotel, financial institution to financial institution). A change in business that is not similar to the existing business (i.e. financial institution to retail) would not be allowed a copy change and would be required to erect a new sign that conforms to the current zoning ordinance.

Please note that the above amendment would allow for copy change on legal nonconforming signs for similar business only as long as the sign remain active. Nonconforming signs that have been abandoned (no longer advertise a valid business on the premises) require immediate removal and would not be able to be reestablished even for a similar business if this amendment were approved. Signs that conform to the current ordinance (legal conforming) must be removed once they have been abandoned sixty days or more.

Analysis

The amount of nonconforming signage in the City is unknown, and this information would be very difficult and time consuming to obtain as it would require a survey of each property as well as review of any historical paperwork on each. Additionally, this is made more complicated considering that essentially all properties annexed into the City from the Township would be subject to a possible legal nonconforming classification.

The zoning ordinance overall is quite strict on nonconforming structures, including buildings and signage. The intent of the current ordinance as provided for in enabling legislation is to eventually eliminate the number of nonconforming structures and/or uses in the City. However, nonconforming uses/structures are created in most every circumstance when regulations within an ordinance are revised.

In regards to signage specifically, this is a rather expensive portion of a business's budget, and one could argue that in these economic times the City should be supporting new and existing business ventures by allowing a limited copy replacement on existing legal nonconforming signs as opposed to requiring replacement.

Municipalities address nonconforming signs in a myriad of ways, from a complete prohibition of anything other than maintenance (such as ours) to allowing copy replacement and structural repairs. The request to allow for copy change on active signs for similar uses is a compromise of the two extremes and would lessen the burden on businesses investing in the community.

1296.31 VARIANCES. (pg 20 of attached ord.)

(k) The impact of visibility of the sign from an interstate highway and its affect on the safety of traffic movement towards an exit shall be a factor to consider in whether to grant a variance for a sign.

Summary

This section outlines the criteria that sign variance requests must meet in order to receive approval from the Zoning Board of Appeals. The current ordinance lists ten criterions, and the petitioner is seeking the revision to include proximity and visibility from interstate highways as it relates to traffic safety as a consideration for variance approval.

Analysis

If this revision were approved, a property would have to meet all eleven criterions in order to be granted approval. Because this proposed revision addresses not only visibility but how it specifically relates to traffic movement and safety, and because the wording of the revision is such that it can be used to either approve or deny a variance, staff feels that this is a valid factor to evaluate when reviewing a variance request.

1296.37 SIGNS IN C-2, C-3, C-5 AND C-6 DISTRICTS. (pg 23 of attached ord.)

(a)(8) For properties located in any C-2, C-3, C-5, C-6 District and within 100 feet of having ~~frontage on~~ a limited access highway (I-94), one freestanding sign on their premises, specifically

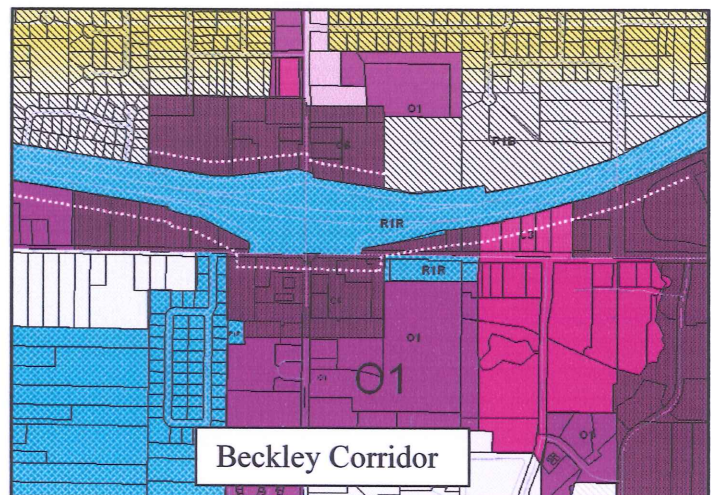
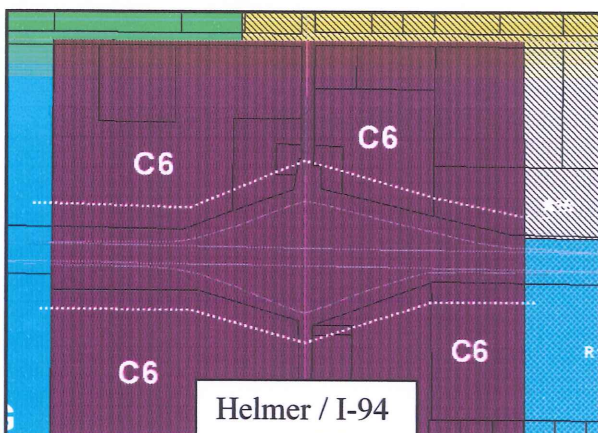
oriented to traffic on the limited access highway. The sign may not exceed 250 ~~150~~ square feet and may be erected to a height not exceeding 50 ~~twenty-five~~ feet above the grade level of property on which the sign is located. ~~of the limited access highway (I-94) at its nearest point to the sign.~~ The sign may not be less than twenty-five feet nor more than two hundred feet fifty feet from the highway right-of-way line. ~~and may not be less than 100 feet from any other free-standing sign.~~

In general, the current sign ordinance allows for commercial properties in the C-2, C-3, C-5, and C-6 zoning districts a freestanding sign not to exceed 100 s.f. and 25' tall. However, the existing version of the above section allows properties in these districts that are directly adjacent to I-94 a freestanding sign up to 150 s.f. and 25' tall as measured at the grade of I-94.

The proposed revision would expand the amount of properties that would be allowed larger signs, from those directly adjacent to those within 100' of the right-of-way, and increase the allowable sign size and height from 100 s.f. to 250 s.f., and 25' tall to 50' tall as measured at the grade of I-94.

The following diagrams show the only two areas along I-94 with the appropriate zoning that are affected by this section of the ordinance. The first, the intersection of Helmer Road and I-94 have ten properties that would be allowed larger signage based on the existing ordinance. The revision to expand the limits for properties within 100' feet of the right-of-way, shown by the yellow dashed line, only allows one additional property the ability for larger signage.

The second, the Beckley corridor extending from the west side of Capital to M-66, has 24 properties that are allowed the larger signage under the current ordinance. Expanding the limits for properties within 100' feet of the right-of-way, shown by the yellow dashed line, allows seven additional properties the ability for larger signage.



The proposed revision would affect only eight properties; however, while it affects only limited number properties, it would allow them to have significantly larger signage which is contrary to the intent of the ordinance.

An ordinance should be based upon an overall public benefit, which doesn't seem to exist with this request. Additionally, one could argue that properties directly adjacent to the I-94 right-of-way, or

those within 100' of the right-of-way, by the nature of their location have better visibility than other properties not directly adjacent to the interstate.

PUBLIC HEARING REQUIREMENTS

As required by the Zoning Enabling Act of 2006, as amended, a public hearing is required for an ordinance amendment, and a notice listing the date, time, and subject of a public hearing is required to be advertised no less than fifteen days prior to the hearing. As such, the public hearing notice was published in the Battle Creek Enquirer on Thursday, June 3, 2010. To date, no public comments have been received in the Planning Department.

RECOMMENDED ACTION

While this proposed ordinance revision is being submitted from an individual property owner, it needs to be reviewed based on the merits of the proposed revisions and the overall effect they will have on properties throughout the City, and not with regard to the benefit it would provide to any individual property owner.

As outlined above in the analysis, staff supports the proposed revision to 1296.28 (b) that allows for copy changes to nonconforming signs for similar uses, and 1296.31(k) that adds visibility and traffic safety from the interstate as a valid criteria for the review and approval of variances. Staff does not support amending 1296.37(a)(8) that addresses sign height and size as it relates to proximity to the interstate, as the distance of 100' is not a quantifiable distance supported by documentation that shows the revision will provide a benefit to the public as a whole.

Therefore, staff recommends that the Planning Commission supports the following components of the proposed revision to the ordinance, based on the findings found in the analysis section of this staff report, and further that Planning Commission recommend approval of the following amendments to the City Commission.

1296.28 CONDITIONS FOR MAINTAINING NONCONFORMING SIGNS. (pg 18 of attached ord.)

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(b) Have changes made to the copy if advertising for a substantially different use, unless the sign is an off-premise sign, bulletin board or similar type of sign designed for periodic copy changes.
Changes to copy to advertise for uses that are substantially the same are not unlawful. ~~Have changes made to the copy unless the sign is an off-premises sign, bulletin board or similar type of sign designed for periodic copy changes;~~

1296.31 VARIANCES. (pg 20 of attached ord.)

(k) The impact of visibility of the sign from an interstate highway and its affect on the safety of traffic movement towards an exit shall be a factor to consider in whether to grant a variance for a sign.

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March 18, 2010

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Planning Supervisor
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Re: Sun Hospitality, Inc; Petition to Amend Zoning Ordinance

Ms. Hilton:

Please consider this letter an application to amend the City of Battle Creek Zoning Ordinance as found on the enclosed. I've enclosed this Firm's check for \$600 as the filing fee for such application.

This is an application to amend the text of the Zoning Ordinance, and not the zoning classification of any parcel.

I know you will advise if you have questions or suggestions, and I look forward to hearing from you.

Vandervoort, Christ & Fisher, P.C.


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Attny. Jill H. Steele
Sun Hospitality, Inc.

PROPOSED BATTLE CREEK CITY ZONING ORDINANCE TEXT AMENDMENTS

1. **Amend 1296.28 (b)** to delete the same, or in the alternative, amend to state: “Have changes made to the copy if advertising for a substantially different use, unless the sign is an off-premises sign, bulletin board or similar type of sign designed for periodic copy changes. Changes to copy to advertise for uses that are substantially the same are not unlawful.”
2. **Amend 1296.31** to add: “The impact of visibility of the sign from an interstate highway and its affect on the safety of traffic movement towards an exit shall be a factor to consider in whether to grant a variance for a sign.”
3. **Amend 1296.37 (a) (8)** as follows: “For properties located in any C-2, C-3, C-5, C-6, District and within 100 feet of a limited access highway (I-94), one freestanding sign on their premises, specifically oriented to traffic on the limited access highway. The sign may not exceed 250 square and may be erected to a height not exceeding 50 feet above the grade level of property on which the sign is located. The sign may not be less than twenty-five feet nor more 200 fee from the highway right of way.”

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CHAPTER 1296 - Signs

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- 1296.02 Purpose.
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- 1296.23 Dangerous signs.
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- 1296.34 Temporary signs for grand openings or changes of business.
- 1296.35 Signs in R Residential, MDMF, HDMF and AG Districts.
- 1296.36 Signs in C-1 and O-1 Districts.
- 1296.37 Signs in C-2, C-3, C-5 and C-6 Districts.
- 1296.38 Signs in C-4 Districts.
- 1296.39 Off-premises outdoor advertising signs.
- 1296.40 Permitted signs in I-1 and I-2 Districts.

CROSS REFERENCES

Defacing on private property - see M.C.L.A. Sec. 750.385

Posting without permission - see M.C.L.A. Secs. 752.821 et seq.

Obedience to traffic signs - see TRAF. 410.04 (U.T.C. , R 6.18 MCL 257.611) [repealed]

Removal of unauthorized advertising - see B.R. & T. 814.13

Sign specialty licensure - see B. & H. 1422.12

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1296.01 SHORT TITLE.

This chapter shall be referred to as the "Sign Ordinance of the City" or just the "Sign Ordinance."

(Ord. 36-84. Passed 12-18-84.)

1296.02 PURPOSE.

The purpose of this chapter is to permit signs that will not, by their own reason, size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety and morals, to permit and regulate signs in such a way as to support and compliment land use objectives as set forth in this Zoning Code and to create a more aesthetic environment within the City.

(Ord. 36-84. Passed 12-18-84.)

1296.03 LEGISLATIVE FINDINGS; NUISANCES.

It is hereby determined that the regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, activities, persons and businesses; to prevent hazards to life and property; to ensure and maintain the aesthetic nature of the City; and to protect property values. A sign which is not erected or maintained in accordance with this chapter is deemed to be unlawful and a nuisance which shall be abated as set forth in this chapter.

(Ord. 36-84. Passed 12-18-84.)

1296.04 DEFINITIONS.

As used in this chapter:

- (1) Abandoned Sign. "Abandoned sign" means a sign which no longer correctly advertises or directs a person to a bona fide business, person, goods, product, activity or service.
- (2) Accessory Sign. "Accessory sign" means a sign which is directly related to the principle use of the premises, such as the name and nature of the use, and which does not advertise products or goods sold or produced on the premises.
- (3) Administrator. "Administrator" means that individual responsible for the administration of this chapter as determined by the City Manager.
- (4) Animated Sign. An "animated sign" is one that includes any action or motion of the sign or its message, copy or text. It includes signs or devices environmentally activated or motivated by wind, thermal changes or other natural environmental input, and includes spinners, pinwheels, pennant strings, and/or devices or displays that respond to naturally occurring external motivation.

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(5) Architectural Projection. An "architectural projection" is any projection which is part of the fabric of a building extending beyond the property line, such as a window, cornice or belt cornice, but does not include signs, canopies or marquees.

(6) Area of Sign. "Area of a sign" means the entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

Where the sign has two or more faces, the area of all faces shall be included in computing the area of the sign, except:

(a) If two such faces are placed back-to-back and are at no point more than four feet from each other, the area of the sign shall be computed as the area of one face.

(b) If the two faces are of an unequal area, the larger of the two faces shall determine the area.

(c) Where a sign consists solely of writing, representation, emblems, logos or any other figure of similar character which is painted or mounted on the wall of a building without a distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six inches from such sign elements.

(7) Awning. "Awning" means a temporary shelter supported entirely from the exterior wall of a building and composed of nonrigid materials, except for the supporting framework.

(8) Billboard. "Billboard" means an off-premises sign consisting of a board, panel or tablet used for the display of painted or printed advertising or informational material concerning an establishment, business, product, service, space or activity located on or at another site.

(9) Building Frontage. "Building frontage" is the linear length of a building facing a street.

(10) Building Sign. A "building sign" is a sign lettered to give the name and/or address of a building itself, as opposed to the name of the occupants or services contained therein, which sign is displayed on the exterior building wall.

(11) Business Center Sign. A "business center sign" is one which gives direction and identification to a group of six or more contiguous stores, regardless of the management or ownership arrangement, comprising an aggregate land area of not less than two acres developed for business and parking.

(12) Canopy. A "canopy" is a permanent, roof-like shelter that extends from part or all of a building face and is constructed of some durable material such as metal, wood, glass, plastic or other synthetic derivative.

(13) Canopy Sign. A "canopy sign" is a sign attached to or constructed in or on a canopy or marquee.

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(14) Changeable Copy Sign. A "changeable copy sign" means any of the following:

(a) Manual. A sign on which copy is changed manually, such as readerboards with changeable letters or pictorials; or

(b) Automatic. An electrically or computer controlled sign whose message, copy or content consisting of alphabetic or pictographic components or a combination thereof arranged on a display surface and changed by computer or other electronic means. Such signs include displays using incandescent lamps, light emitting diodes, liquid crystal displays, or a flipper matrix.

(15) Community Special Event Sign. A "community special event sign" is a sign, other than a public building bulletin board, which is erected for a limited time to call attention to special events of interest to the general public and sponsored by nonprofit groups, associations or corporations.

(16) Construction Sign. A "construction sign" is a sign identifying the names of the project developers, contractors, engineers and architects which is located on a site being developed or improved.

(17) Controlled Access Highway. See Freeway.

(18) Directional Sign. "Directional sign" means any sign which solely serves to designate the location or direction of any place or area located off the premises on which the sign is located.

(19) Erected. "Erected" means attached, altered, built, constructed, reconstructed, enlarged or moved and includes the change in copy on permanent signs, but does not include the copy changes on changeable copy signs.

(20) Facia Sign. A "facia sign" is a sign attached to or erected against a wall of a building with the face horizontally parallel to the building wall and extending not more than one foot therefrom.

(21) Festoon Sign. "Festoon sign" means a sign consisting of strings of exposed incandescent light bulbs, balloons or strings of pennants hung overhead to draw attention to items on display or a particular business establishment.

(22) Fiber Optics. "Fiber optics" means a traveling light source that changes color and/or messages. A fiber optic sign whose color or message changes more frequently than every 2.5 seconds shall be considered a flashing sign.

(23) Flashing Sign. A "flashing sign" is a sign which contains an intermittent or flashing scintillating blinking or traveling light source which includes signs that give the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. For purposes of this chapter, this term does not include automatic changeable copy signs.

(24) Free-Standing Sign. "Free-standing sign" means a sign erected on a free-standing frame, mast or pole and not attached to a building. Such signs include:

(a) Monument signs which are free-standing signs with a maximum height of eight feet; and

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(b) Ground signs which are free-standing signs of at least eight feet but not more than twenty- five feet in height, unless otherwise specified.

(25) Freeway. A "freeway" or "controlled access highway" is a roadway to or from which the owners of abutting lands have no right or easement of access to or from such abutting land, or where such owners have only a limited or restricted right or easement of access, and which is declared to be a freeway, as provided by the highway authority.

(26) Garage Sale Sign. See Merchandise Sale Sign.

(27) Height of Sign. "Height of sign" means the vertical distance measured from the average grade level of the premises to the highest point of the sign.

(28) Identification Sign. An "Identification sign" is a sign which is limited to the name, address and number of a building, business, institution or person and to the activity carried on in the building or the occupation of the person.

(29) Illuminated Sign. An "illuminated sign" is a sign that provides artificial light directly on or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light with the source so obscured and shielded that no direct rays from it are visible from a public right of way or from an abutting property.

(30) Individual Letter Sign. An "individual letter sign" is a sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building, or on top of or below a marquee.

(31) Merchandise Sale Sign. A "merchandise sale sign" or "garage sale sign" is a sign or poster used for the primary purpose of directing attention to an individual or group sale of new or used goods and products in a residential area for a limited period of time.

(32) Multiprism Sign. "Multiprism sign" means a sign made of a series of multisided vertical panels that turn and stop or index to show a series of pictures or messages.

(33) Mural. See Wall Sign.

(34) Nonaccessory Sign. "Nonaccessory sign" means an advertising sign which does not relate in its subject matter to the premises on which it is located. A nonaccessory sign is also known as an off-premises sign.

(35) Nonconforming Sign. "Nonconforming sign" means a sign which lawfully occupied a building or land at the effective date of this Zoning Code (January 1, 1985), or any amendment thereto, that does not conform to the regulations of the district in which it is located.

(36) Off-premises Sign. "Off-premises sign" means a sign that advertises a business, person, activity, goods, product or service, or that directs persons to a different location from where the sign is installed.

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(37) On-premises Sign. "On-premises sign" means a sign identifying or advertising a business, person, activity or service located on the premises where the sign is installed and maintained.

(38) Political Sign. "Political sign" means a sign that advocates or opposes a candidate for political office or an issue to be determined at an official Federal, State, County, School or Municipal election.

(39) Portable Sign. "Portable sign" means a sign and sign structure which is designed to facilitate the movement of the sign from one location to another. The sign may or may not have wheels, changeable letters and/or hitches for towing.

(40) Premises. "Premises" means a building, structure or dwelling unit, and appurtenances thereto, including the grounds and facilities.

(41) Projecting Sign. "Projecting sign" means a sign, other than a fascia sign, which is perpendicularly attached to, and projects from, a structure or building face.

(42) Public Service Information. "Public service information" means noncommercial matters of general information or interest to the community including, but not limited to, time, temperature, date, news or traffic information.

(43) Real Estate Sign. "Real estate sign" means a sign pertaining to the sale, lease or rental of a building or land.

(44) Residential Development Sign. "Residential development sign" means a sign identifying a planned grouping of residential buildings, including single-family and multiple-family dwellings and planned unit developments.

(45) Roof Line. "Roof line" means the top edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette.

(46) Roof Sign. "Roof sign" means a sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

(46A) Sidewalk Sign. Any portable sign which is constructed of durable materials, which has two flat faces, with or without changeable copy, and is designed to be and is placed on, but not affixed to the ground, nor affixed to any building, pole or any other structure.

(47) Sign. "Sign" means a structure, device, light, letter, word, model, banner, balloon, pennant, insignia, emblem, logo, painting, mural, placard, poster, trade flag or representation, illuminated or non-illuminated, which is visible from a public place, including but not limited to, highways, streets, alleys, rear walls or public property, or is located on private property and exposed to the public, which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed merchandise, except as otherwise stated herein. For the purposes of removal, "sign" includes all sign support structures.

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(48) Special Purpose or Seasonal Signs. "Special purpose sign" or "seasonal sign" means a sign, other than an on or off-premises sign, including, but not limited to, traffic signs, restroom signs, vending machines, door opening directions, residential merchandise sale signs, flags bearing the insignia of government institutions or organizations, and signs, such as Christmas decorations, used for a historic holiday and installed for a limited period of time.

(49) Street. "Street" means a public highway, road, thoroughfare or alley which affords the principal means of access to adjacent lots, measured from property line to property line.

(50) Subdivision Sign. "Subdivision sign" means a sign which advertises a residential or commercial subdivision.

(51) Substantially Altered. "Substantially altered" means a change in a sign or sign structure, as differentiated from maintenance or repair, including a change in height, location, area, shape or material, or any change in copy, except that which occurs in manual or automatic changeable copy signs, including the wording, style or size of the lettering. Maintenance and repair costs shall not exceed thirty-five percent of the replacement cost of the entire sign.

(52) Swinging Sign. "Swinging sign" means a sign installed on an arm or spar, that is not permanently fastened to an adjacent wall or upright pole.

(53) Temporary Sign. "Temporary sign" means a sign which is not permanently affixed including but not limited to, devices such as balloons, flags, searchlights, twirling or sandwich signs, sidewalk or curb signs, signs mounted on or affixed to trailers or wheels of any type and strings of lights.

(54) Wall Sign. "Wall sign" means a sign which is attached directly to the exterior wall of a building and which does not project more than eighteen inches from the wall, with the face of the sign running on a parallel plane to the plane of the building wall.

(Ord. 36-84. Passed 12-18-84; Ord. 12-01. Passed 9-4-01; Ord. 18-05. Passed 9-6-05; Ord. 10-06. Passed 4-18-06.)

1296.05 ERECTION; ALTERATION; PERMIT REQUIRED.

No person shall erect, construct, enlarge, move, convert or substantially alter any sign within the City, or cause the same to be done, without first obtaining from the Administrator or his or her designated agent a sign permit for each sign, as required by this chapter. This requirement shall not be construed to require a permit for a change in copy on a changeable copy sign, or the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not substantially altered. No new permit will be required for the change in copy on billboard signs.

(Ord. 36-84. Passed 12-18-84.)

1296.06 PERMIT LIMITATIONS.

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A sign permit issued by the Administrator or his or her designated agent shall become null and void if the construction permitted thereon is not commenced within 180 days from the date of issuance. If the work which is authorized by such permit is suspended or abandoned for 120 days any time after the work is commenced, a new permit shall first be obtained before construction is again commenced.

(Ord. 36-84. Passed 12-18-84.)

1296.07 SIGN ERECTOR'S LICENSE; WORK REQUIRING ELECTRICAL SERVICING.

No person shall perform any work or service in connection with the erection, construction, enlargement, moving, conversion or manufacture of a sign requiring a permit in the City, or any work or service in connection with causing any such work to be done, unless such person first obtains the appropriate permits and a sign erector's license from the Building Inspection Department. The licensee shall be familiar with this chapter and shall be able to demonstrate his or her knowledge of the same. No sign erector's license shall be required if a person uses a duly licensed agent, contractor or subcontractor, nor shall a license be required for the maintenance or repair of a sign when it does not qualify as a substantial alteration. Servicing by a licensed electrician shall be required when, in the opinion of the Administrator, public safety factors are involved.

(Ord. 36-84. Passed 12-18-84.)

1296.08 INDEMNIFICATION FOR SIGN INSTALLATION AND MAINTENANCE.

As a condition for the issuance of a sign erector's license, a person engaged in the business of installing or maintaining signs which involve, in whole or in part, the erection, alteration, relocation or maintenance of a sign which is over or immediately adjacent to a public right of way or public property so that a portion of the public right of way or public property is used or encroached upon by the sign installers, shall agree to hold harmless and indemnify the City for any and all claims of negligence resulting from the erection, alteration, relocation or maintenance of the sign.

(Ord. 36-84. Passed 12-18-84.)

1296.09 INSURANCE.

Every applicant for a sign erector's license, before such license is granted, shall file with the City a satisfactory certificate of insurance to indemnify the City against any form of liability for personal injury, death and/or property damage in amounts determined from time to time by the City Commission. The insurance shall be maintained in full force and effect during the term of the license and such insurance policy or certificate shall provide that the City be notified of any cancellation of the insurance not less than ten days prior to the date of cancellation.

(Ord. 36-84. Passed 12-18-84.)

1296.10 INSTALLATIONS; CONSENT OF PROPERTY OWNER OR OCCUPANT REQUIRED.

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No person shall erect, construct or maintain a sign upon any property or building without the consent of the owner or person entitled to possession of the property or building, if any, or his or her authorized agent.

(Ord. 36-84. Passed 12-18-84.)

1296.11 PERMIT APPLICATIONS.

a. An application for a permit shall be made to the City on a form provided by the Building Inspection Department. Such application shall be accompanied by a prescribed fee and by such information as may be required to ensure compliance with appropriate laws and regulations of the City, including, but not limited to:

- (1) The name and address of the owner and operator of the sign;
- (2) The name and address of the owner of the property on which the sign is to be located;
- (3) Drawings showing to scale the dimensions, construction supports, sizes, electrical wiring and component materials of the sign and the methods of attachment and character of structural members to which such attachment is to be made; and
- (4) A site plan drawing showing locations of all other existing signs on the premises.

b. The drawings, structural design and quality of material shall conform to the requirements of this chapter, particularly Section 1296.19. Engineering data shall be provided when the proposed sign is a free-standing or projecting sign or when the sign is to be mounted where structural failure could jeopardize the safety of the public.

(Ord. 36-84. Passed 12-18-84.)

1296.12 ISSUANCE AND DENIAL OF PERMITS.

The Administrator shall approve the application for a sign permit when it is found that a sign will comply with this chapter. When a sign permit is denied by the Administrator, written notice of the denial shall be given to the applicant, together with a written statement of the reason for such denial.

(Ord. 36-84. Passed 12-18-84.)

1296.13 MAINTENANCE OF UNLAWFUL SIGNS.

No permit for a sign issued under this chapter shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in action to abate an unlawful sign.

(Ord. 36-84. Passed 12-18-84.)

1296.14 PERMIT FEES.

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Application fees for sign permits shall be as established from time to time by the City Commission.

(Ord. 36-84. Passed 12-18-84.)

1296.15 DOUBLE FEES.

A person beginning any work for which a permit is required by this chapter, without having first obtained a permit therefor, shall pay, in addition to the fees provided for in Section 1296.14, an additional amount equal to 100 percent of such fees and shall remain subject to any Municipal civil infraction fine imposed for a violation of this chapter.

(Ord. 8-95. Passed 4-18-95.)

1296.16 INSPECTIONS.

After a sign permit is issued, the person erecting, constructing, enlarging, altering or converting a sign shall notify the Building Inspection Department upon completion of the work for which the permit was required. All free-standing signs shall also be subject to a footing inspection. All electrical signs shall be subject to a final electrical inspection.

(Ord. 36-84. Passed 12-18-84.)

1296.17 EXEMPT SIGNS.

Permits shall not be required for the following signs so long as they relate to uses which are permitted by this Zoning Code:

(a) Building signs that are incorporated into the architecture of the building, including memorial tablets and historic markers attached to, embossed or engraved on the face of the building;

(b) Signs painted on or permanently attached to motor vehicles which are legally licensed for and primarily used for transportation, provided that no such vehicle is parked on a premises for the primary purpose of advertising any product or services offered;

(c) Special purpose signs, including:

(1) Any flag, provided that there is not more than one for each 100 feet of street frontage, and provided that such flag is not closer than fifty feet from the street right of way. Flags may not exceed fifteen square feet in area and may not be displayed at a height to exceed thirty feet. They may be attached to a building.

(2) Private parking lot identification signs, as follows: Two free-standing signs, each not exceeding six square feet in area or six feet in height, which may be located in a front yard at each driveway entrance or exit. Such a sign may be illuminated with one light not exceeding 100 watts. No obstruction of traffic or other hazardous condition shall be created by such sign. The name of the business offering the parking may be identified on the sign, but in no instance shall it occupy more than one-third of the copy area.

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(3) Seasonal or holiday signs which are not displayed more than thirty days prior to the holiday. Holidays are set forth in Public Act 127 of 1962, as amended.

(4) Nameplates and house numbers, either of which may be illuminated, on buildings or poles not exceeding six feet in height and not less than three feet inside of lot lines;

(5) Signs attached to or painted on minor accessory structures, such as vending machines and showcases, not exceeding ten percent of the largest visible face or two square feet, whichever is larger, and indicating only the name of the merchandise or use thereof;

(6) Signs not exceeding two square feet in area containing only noncommercial messages designating such things as restroom locations, telephones and prohibition of trespassing or dumping; and

(7) One residential merchandise sale sign (garage sales) per lot, provided that no such sign is placed within the public right of way;

(d) Official signs used by the City, including, but not limited to, the following:

(1) Legal notices;

(2) Traffic signs in accordance with the requirements of the Michigan Manual of Uniform Traffic Control Devices;

(3) Danger and other emergency signs as may be approved by the City Commission or the City Manager;

(4) Railroad crossings;

(5) Signs erected by the City in the street during construction or repair; and

(6) Signs identifying City parks or park rules;

(e) Community special event signs as approved by the City Manager or his designee;

(f) Signs customarily incidental to the operation of a service station, limited to:

(1) One free-standing changeable copy sign displaying the price of fuel only, not exceeding eight square feet in area, and displayed on each street frontage on the same structure with other signs requiring a permit. The area thereof shall not be calculated in the area for other signs.

(2) The customary lettering, insignias, warnings and other information required by law on each pump;

(g) Real estate signs which do not exceed six square feet in area for residentially zoned property and thirty square feet in area for commercial or industrial property. Such signs may be located in the required front yard in any district or may be attached to the face of a building. Such signs shall not be located in

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the public right of way and shall not exceed eight feet in height. Such signs shall be removed within thirty days after the sale or lease of the property.

(h) One open house identification sign meeting the same requirements as a residential real estate sign within the required front yard;

(i) Window display signs incorporated into the display of merchandise offered on the premises, not exceeding thirty percent of the window or wall area. For establishments located more than fifty feet from the public right of way, no restrictions exist on the amount of window display signage allowed.

(j) Political signs for a period of not more than ninety-one days prior to and ten days after each Federal, State, County, school or Municipal election. Political signs shall not exceed a total of sixteen square feet in area and shall be limited to four feet in height above the ground. All signs shall be set back at least ten feet from the public right of way. The owner of the premises shall be responsible for regulating these signs so that there is not more than one per candidate or issue per useable lot and so that such signs are removed within the time period specified in this subsection. The City may remove illegal signs from the premises after having given a twenty-four hour notice to the owner or person having charge, by personal service or by posting such notice on the main structure of the premises, with any cost of removal of such signs to be assessed against the property upon which the signs are located as a single-lot assessment, in accordance with the procedures set forth in Section 216.13 of the Administration Code. In no instance is a political sign permitted within the public right of way.

(k) Sidewalk signs within the C-4 Central Business District and the C-7 Street-Level Retail District, subject to the following requirements:

(1) Only one sidewalk sign is permitted per building;

(2) Permitted sidewalk signs are strictly limited to a maximum area of eight square feet per side, including any supporting structure or frame, and a maximum height of four feet, measured from the ground to the top of the supporting structure or frame;

(3) Sidewalk signs may not be illuminated;

(4) Sidewalk signs may be placed only on the sidewalk in front of the business establishment to which it applies, and be placed so as to maintain at least six continuous feet of clear sidewalk, as measured from the nearest edge of the sign or sign frame to the nearest curb or building wall for pedestrian passage;

(5) Sidewalk signs must be securely anchored or weighted to prevent the sign from being blown so as to cause danger to the public or property, but may not be attached to a building, or secured to or placed in the ground, nor attached to any element including but not limited to trees, signs, light poles, planters, or similar objects;

(6) A sidewalk sign shall not be placed so as to present an obstruction to visibility of vehicular or pedestrian traffic at any driveway or street intersection;

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(7) No sidewalk sign shall be placed in a manner that obstructs or impedes sidewalk plowing or cleaning;

(8) Sidewalk signs shall be constructed of wood, metal, or other similarly durable material;

1 (9) All signs shall be maintained in a high quality state, with no peeling, broken, cracked or faded paint or vinyl;

(10) Hand lettering will only be permitted on a chalk or white board sections of a sign;

(11) Environmentally activated devices such as flags, festoons, balloons, ribbons or other attachments, including wheels or hitches for towing, are not permitted on a sidewalk sign;

(12) All signs placed on a public sidewalk or within any portion of the public right-of-way must be well maintained to prevent any injury;

(13) Sidewalk signs may only be displayed during the hours of operation of the business, and must be removed from the sidewalk at the close of business each day; and

(14) The owner of the business establishment displaying the sign shall be strictly liable for and indemnify the City for any injury or damage to person or property caused by the size, placement or maintenance of a sidewalk sign which occupies any portion of a public sidewalk or right-of-way.

(Ord. 36-84. Passed 12-18-84; Ord. 18-89. Passed 7-25-89; Ord. 5-92. Passed 2-11-92; Ord. 19-97. Passed 9-16-97; Ord. 10-06. Passed 4-18-06.)

1296.18 PROHIBITED SIGNS.

The following signs, unless otherwise stated, are prohibited:

(a) Illuminated animated signs or flashing signs that by itself or by source of the illumination creates a hazard for persons using the public street or sidewalk or otherwise causes discomfort or interference to the occupants of neighboring property.

(b) Moving signs except for animated signs moved by naturally occurring environmental input or moving message fanners;

(c) Posters which are tacked, pasted or otherwise affixed to walls, fences, trees, posts or buildings;

(d) Abandoned signs, including the related sign structure;

(e) Signs on public streets, bridges, utility poles or otherwise located in public rights of way, except official signs as permitted in Section 1296.17;

(f) All temporary or portable signs, except those permitted under Section 1296.17(k);

(g) Swinging signs;

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(h) Any sign which:

(1) Bears or contains words, statements or pictures which, in character, are crude, indecent, vulgar, debasing or explicitly sexual, or has as its primary purpose any of the above qualities;

(2) Advertises matters in a fraudulent manner, contrary to State or Federal law;

(3) Employs a picture projection or emits a sound, odor or visible matter;

(4) Resembles official traffic signs or bears the words "Stop," "Go Slow," "Caution," "Danger," "Warning" or other similar words;

(5) By reason of its size, location, content, coloring or manner of illumination, may be confused with a traffic control sign or emergency vehicle or obstructs the view of any traffic sign;

(i) Festoon signs;

(j) Multiprism signs; and

(k) Bare, exposed lightbulbs.

(Ord. 36-84. Passed 12-18-84; Ord. 18-05. Passed 9-6-05; Ord. 10-06. Passed 4-18-06.)

1296.19 COMPLIANCE WITH CODES.

All signs hereafter erected shall comply with all applicable provisions of the State Construction Code, including the B.O.C.A. Basic Building Code which is a part thereof, relative to the structural design, and with the City Electrical Code for applicable components and installation, and with the auxiliary specifications set forth in Section 1296.20.

(Ord. 36-84. Passed 12-18-84.)

1296.20 AUXILIARY SPECIFICATIONS.

(a) Obstruction of Exits. No sign shall be erected so as to obstruct a fire escape, required exit, window or door opening intended as a means of egress.

(b) Obstruction of Ventilation. No sign shall be erected which interferes with any opening required for ventilation.

(c) Clearance from Electrical Power Lines and Communication Lines. Signs shall maintain clearance from electrical conductors, in accordance with the City Electrical Code, and from communication equipment or lines located within the City.

(d) Clearance from Surface and Underground Facilities. Signs and their supporting structures shall maintain clearance and noninterference with surface and underground facilities and conduits for water,

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sewage, gas, electricity or communication equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.

(e) Drainage. The roofs of canopies exceeding twenty-five square feet shall be drained so as to prevent dripping or flowage onto public sidewalks or streets and shall be connected to an approved disposal source by adequate conductors.

(f) Sign Supports. Visible angle iron or other frames supporting projecting signs and roof signs, as well as chain supports, are prohibited, except structures of an artistic nature which may receive approval of the Zoning Board of Appeals.

(g) Automatic Changeable Copy Signs. An on-premise automatic changeable copy sign is permitted on property or parcels within office (O-1), commercial (C-1, C-2, C-3, C-4, C-5, or C-6) or industrial (I-1, I-2) zoning districts provided that in addition to any restriction on signs for the particular zoning district as set forth in this chapter that any such sign visible from a public street shall not change message or copy more often than every one second, nor be brighter than one foot candle as measured four feet from the sign. The addition of an automatic changeable copy sign to any non-conforming free standing sign is prohibited.

(Ord. 36-84. Passed 12-18-84; Ord. 18-05. Passed 9-6-05.)

1296.21 MAINTENANCE AND REPAIR.

Every sign, regardless of its permit requirement, shall be maintained in a safe and presentable condition at all times, including, but not limited to, the replacement of defective parts, painting and cleaning. The Administrator shall cause all signs to be removed, in accordance with this chapter, which fail to comply with the safety standards of this chapter.

(Ord. 36-84. Passed 12-18-84.)

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1296.22 ABANDONED AND NONCONFORMING SIGNS.

Except as otherwise provided in this chapter, a sign which is abandoned for sixty days or more, and any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to be abandoned. Nonconforming signs larger or higher than permitted or located incorrectly on a site shall be removed once abandoned. Such abandoned or nonconforming signs are the responsibility of the owner and shall be removed by such owner. If the owner fails to comply, after receiving due notice, the Administrator may elect to cause the sign to be removed and assess the costs of removal against the owner or his or her property as a single lot assessment, in accordance with Section 216.13 of the Administration Code. This section does not apply to an off-premises outdoor advertising sign, which shall be considered abandoned when it advertises an event, time or purpose that occurred at least six months previously.

(Ord. 36-84. Passed 12-18-84.)

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1296.23 DANGEROUS SIGNS.

No person shall maintain or permit to be maintained on any premises owned or controlled by such person, any sign which is dangerous. At the discretion of the Administrator, such sign shall either be immediately removed or repaired by the owner, in conformity with this chapter.

(Ord. 36-84. Passed 12-18-84.)

1296.24 ERECTION OF UNLAWFUL SIGNS.

No person shall erect a sign which does not conform with the provisions of this chapter.

(Ord. 36-84. Passed 12-18-84.)

1296.25 INTERFERENCE WITH PUBLIC CONSTRUCTION.

Any sign projecting over a public sidewalk, street or other right of way, regardless of its permit status, that interferes with construction or repair being performed for or by the City, or that is rendered nonconforming by such repair or construction, shall be altered to conform with this chapter or be removed at the expense of the owner.

(Ord. 36-84. Passed 12-18-84.)

1296.26 MANDATORY SIGN REMOVAL.

(a) Emergency Conditions. Should the Administrator determine that a sign is so dangerous that it requires immediate removal, he or she shall attempt to provide the sign owner or property owner with a notice of the danger and the need for immediate abatement. Due to the emergency nature of the danger, if such notice is not possible due to the lack of knowledge as to the whereabouts of the sign owner or property owner, or should the sign or property owner not be available or refuse to immediately abate the nuisance, the Administrator shall abate such nuisance. The cost of the abatement, including a service fee of ten percent of the actual costs of such correction, shall become a lien against the property in accordance with Section 216.13 of the Administration Code.

(b) Nuisance Abatement. Any other sign regulated by this charter that fails to comply with the provisions of this chapter, but which does not require emergency action, shall also constitute a nuisance. The owner of such sign and the real estate upon which it is located shall be given written notice of thirty days by regularly mail for the abatement thereof. If such abatement is not accomplished within the thirty-day period, the Administrator shall abate the nuisance. The cost of such abatement, including a service fee of ten percent of the actual cost of such abatement, shall become a lien against the property in accordance with Section 216.13 of the Administration Code.

(c) Remedies Cumulative. The action of the Administrator to abate a nuisance under this section shall be in addition to the penalties described elsewhere in this Zoning Code.

(Ord. 36-84. Passed 12-18-84.)

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(d) Removal by Administrator. Notwithstanding any other provision in this Zoning Code, signs which are affixed in any manner to walls, fences, trees, posts, bridges, utility poles, street signs or traffic signs, or otherwise located in the public right of way, except official signs as identified in Section 1296.17(d), may be removed by the Administrator and his or her assigns and may be destroyed without notice to the violator.

(Ord. 25-87. Passed 11-24-87.)

1296.27 ABATEMENT OF NONCONFORMING SIGNS; NOTICE.

The intent of this chapter is to abate nonconforming signs, except, as otherwise specifically set forth in this chapter, as rapidly as the police power of the City permits. After the enactment of this chapter, the Administrator or his or her designated agent shall, as soon as is practical, survey the City for signs which do not conform to the requirements of this chapter. Upon determining that a sign is nonconforming, the Administrator shall use reasonable efforts to notify the owner of the sign, in writing, by regular U.S. mail.

(Ord. 36-84. Passed 12-18-84.)

1296.28 CONDITIONS FOR MAINTAINING NONCONFORMING SIGNS.

A lawfully erected sign which is made unlawful by this chapter may continue to be maintained exactly as it existed at the time the maintenance thereof became otherwise unlawful under this chapter, provided that such nonconforming sign shall not:

- (a) Be changed to another nonconforming sign;
- (b) Have changes made to the copy if advertising for a substantially different use, unless the sign is an off-premise sign, bulletin board or similar type of sign designed for periodic copy changes. Changes to copy to advertise for uses that are substantially the same are not unlawful. Have changes made to the copy unless the sign is an off premises sign, bulletin board or similar type of sign designed for periodic copy changes;
- (c) Be structurally altered to prolong the life of the sign or so as to change the shape, size, height, type or design of the sign;
- (d) Be continued after the activity, business or use to which it relates has been discontinued for a period of thirty days; or
- (e) Be re-established after damage or destruction if the Administrator determines that the estimated cost of reconstruction exceeds fifty percent of the replacement cost for the sign.

(Ord. 36-84. Passed 12-18-84.)

1296.29 APPEALS TO ZONING BOARD OF APPEALS.

Appeals relating to the type, size and location of signs and the interpretation of this chapter shall be taken to the Zoning Board of Appeals, as set forth in the Zoning Code.

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(Ord. 36-84. Passed 12-18-84.)

1296.30 ACTION OF ZONING BOARD OF APPEALS.

The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse, wholly or partly, or modify, any order, requirement, decision or determination of the Administrator, to decide in favor of the applicant upon a matter on which it is required to pass or to effect any variance.

(Ord. 36-84. Passed 12-18-84.)

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1296.31 VARIANCES.

- (a) A variance may be granted only when it can be clearly demonstrated by the petitioner that hardship or practical difficulty will in fact exist if such variance is not granted.
- (b) The mere fact that other, larger signs constructed under prior sign ordinances do exist in the area shall not be sufficient reason to declare hardship or practical difficulty.
- (c) In no case shall a variance be granted if it is determined by the Zoning Board of Appeals that the applicant has created the hardship or practical difficulty.
- (d) Before a variance is granted, it must be shown that the alleged hardship or practical difficulty, or both, is exceptional and peculiar to the property of the person requesting the variance, and that it results from conditions that do not exist generally throughout the City.
- (e) The applicant for a variance shall furnish a site drawing, photographs and/or any other means of proof to the Board so as to indicate that hardship or practical difficulty does, in fact, exist.
- (f) The term hardship shall not be deemed financial hardship relating to the cost of the sign, to the fact that the sign has already been constructed or to the fact that the sign is only available in standard sizes and/or materials (e.g. franchise business signs).
- (g) The alleged hardship and practical difficulty, or both, which will result from a failure to grant the variance, must include substantially more than a mere inconvenience or a mere inability to attain higher financial return.
- (h) It must be shown that allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance and especially the rights of others whose property would be affected by the allowance of the variance.
- (i) The findings of fact set forth in this section shall be made by the Board, which is not authorized to grant a variance without finding fact in each of the categories set forth in this section. Every finding of fact shall be supported in the record of the proceedings of the Board.

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(j) Nothing contained herein shall be construed to authorize the Board to change the terms of this chapter or to add to the types of signs permitted on any premises.

(k) The impact of visibility of the sign from an interstate highway and its affect on the safety of traffic movement towards an exit shall be a factor to consider in whether to grant a variance for a sign.

(Ord. 36-84. Passed 12-18-84.)

1296.32 APPEALS TO THE BUILDING AND ELECTRICAL BOARDS OF APPEALS.

Appeals relating to the structural design, construction and electrical matters shall be taken to the Building Code Board of Appeals and the A.M.S.A. Electrical Board of Appeals, respectively, and shall be governed by the conditions and limitations of such Boards.

(Ord. 36-84. Passed 12-18-84.)

1296.33 SIGNS PROHIBITED BY DISTRICTS.

Any sign which is not listed by structure and descriptive type in this chapter is prohibited.

(Ord. 36-84. Passed 12-18-84.)

1296.34 TEMPORARY SIGNS FOR GRAND OPENINGS OR CHANGES OF BUSINESS.

For the grand opening of a new business in the City, or for a change in ownership or tenancy of an existing business in the City, the Building Inspection Department may issue a permit for a temporary sign for a period not to exceed fifteen calendar days, subject to the following conditions:

- (a) One temporary sign shall be permitted per use.
- (b) The temporary sign shall not exceed thirty-two square feet in area.
- (c) The sign must be at least ten feet from any property line and twenty feet from any street right-of-way line.
- (d) Flashing signs, animated, moving signs, except those responding to natural environmental input, or signs with bare, exposed bulbs are prohibited.
- (e) The height of the sign shall not exceed the height requirement for freestanding accessory signs in the district in which it is located.
- (f) Flags, banners or pennants may be used in lieu of or in conjunction with the sign, so long as the maximum permitted square footage for the sign has not been exceeded.

(Ord. 36-84. Passed 12-18-84; Ord. 18-05. Passed 9-6-05.)

1296.35 SIGNS IN R RESIDENTIAL, MDMF, HDMF AND AG DISTRICTS.

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In any R Residential, MDMF, HDMF or AG District, the following signs shall be permitted: Any facia, nonelectrical, free-standing or illuminated sign, located on the premises only, meeting the following restrictions:

(a) Special purpose signs are governed by Section 1296.17(c).

(b) Real estate signs are governed by Section 1296.17(g).

(c) Political signs are governed by Section 1296.17(j).

(d) Only one building sign is permitted per use, not exceeding eight square feet, to be located not higher than the building cornice. Such sign shall be located on the face of the building only and may be illuminated by reflective light only from an obscure source.

(e) One community special event sign is permitted, not exceeding eight square feet in area and five feet in height. Such sign may be located on the face of a building, or, if free-standing, not less than ten feet from the street right-of-way line, not less than ten feet from any interior property line and not less than twenty-five feet from any street intersection, measured from the intersection of the street right-of-way lines.

(f) One identification sign is permitted, not exceeding twenty-four square feet if it is the only sign, or twelve square feet if combined with other signage. If freestanding, the sign may not be closer than ten feet from the street right-of-way line, ten feet from any interior property line and twenty-five feet from any street intersection, measured from the intersection of the street right-of-way lines. Illumination may be reflective from an obscure source, or, if internally illuminated, not exceeding 100 watts. For properties in any residential or agricultural zoning district having a street frontage of more than 300 feet, an additional twenty-five percent of sign area shall be allowed for each additional 100 feet of street frontage, or part thereof.

(g) One subdivision sign located at any entrance road to a subdivision is permitted. Such sign may not exceed eight feet in height and fifty square feet in area and shall be located at least twenty-five feet from any street right-of-way line.

(Ord. 36-84. Passed 12-18-84; Ord. 25-06. Passed 10-3-06.)

1296.36 SIGNS IN C-1 AND O-1 DISTRICTS.

(a) Permitted Signs. In any C-1 Neighborhood Commercial or O-1 Office District, the following signs shall be permitted:

(1) Special purpose signs governed by Section 1296.17(c);

(2) Real estate signs governed by Section 1296.17(g);

(3) Political signs governed by Section 1296.17(j);

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(4) One free-standing identification sign per use, not exceeding fifty square feet in area or twelve feet in height. If changeable copy portion is to be included in the free-standing area, it may not exceed fifty percent of the sign area. Illumination shall be reflective only and not exceeding 100 watts. The freestanding sign shall be located at least twenty-five feet from any street right of way and ten feet from any interior property line.

(5) One building sign per use, allowing two square feet for each linear foot of building frontage, not exceeding fifty square feet. If no free-standing sign is used, the building signage may be increased by twenty-five percent per street frontage.

(b) Additional Limitations.

(1) Where the lot abuts any R District, the set-back distance shall be increase so that one foot of horizontal distance from the District is provided for each square foot of sign.

(2) Lots with dual street frontages are allowed signage on each street frontage. However, they may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on one frontage.

(3) Where more than one tenant or building shares a single parking area, there shall be permitted only one free-standing sign.

(4) Where more than 400 feet of major or secondary street frontage exists, a second free-standing sign shall be permitted with the same size and location limitations as specified in Section 1296.35(b), provided that the distance between the two signs is not less than 300 feet.

(5) In addition to a free-standing sign meeting the area requirements of this chapter, a building may also erect a wall sign, the total area of which may not exceed ten percent of the area of the wall to which it is attached.

(Ord. 36-84. Passed 12-18-84; Ord. 20-89. Passed 7-25-89.)

1296.37 SIGNS IN C-2, C-3, C-5 AND C-6 DISTRICTS.

(a) Permitted Signs. The following on-premises signs shall be allowed in any C-2, C-3, C-5 or C-6 District:

(1) One canopy, facia or projecting sign per use, allowing 1.2 times the building frontage in square footage. The sign shall be located at a height not exceeding the bottom edge of any second story window and may not project more than eighteen inches from the building face. It may be used in combination with other signs as specified. Facia signs may be allowed on any wall not facing any R District at the 1.2 size formula previously referred to.

(Ord. 8-87. Passed 6-2-87; Ord. 19-89. Passed 7-25-89.)

(2) One free-standing sign per use. The allowable area of the sign shall be calculated according to the following:

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A. Monument sign. Fifty square feet in area and not more than eight feet in height. The sign may not be located closer than ten feet from any street right of way.

(Ord. 36-84. Passed 12-18-84.)

B. Ground sign. 1.2 times the premises frontage, not exceeding 100 square feet. The sign may not be higher than twenty-five feet and shall be set back at least ten feet from any street right of way.

(Ord. 8-87. Passed 6-2-87.)

(3) One roof sign per use, but not in combination with a freestanding sign. The area allowed is not to exceed 1.2 times the building frontage and the sign may not be higher than five feet above the roof line. A roof sign may not project beyond the building wall.

(4) Window display signs, not exceeding thirty percent of the total window area. If a building is located more than fifty feet from the street right of way, there is no limitation on the amount of window signage.

(5) Real estate signs, not exceeding thirty square feet in area or eight feet in height. A real estate sign shall be removed within thirty days of the sale, rental or lease.

(6) One building center sign per street frontage. The sign must identify six or more contiguous stores located on a site with an aggregate land area of not less than two acres. A building center sign may not exceed 150 square feet in area or thirty feet in height.

(7) For movie theaters, one sign not more than 150 square feet in area, and twenty-five feet in height, if the building contains three or more auditoriums, and not more than 100 square feet in area if a building contains fewer than three auditoriums;

(8) For properties located in any C-2, C-3, C-5, C-6 District and within 100 feet of having frontage on a limited access highway (I-94), one freestanding sign on their premises, specifically oriented to traffic on the limited access highway. The sign may not exceed 250 ~~150~~ square feet and may be erected to a height not exceeding 50 ~~twenty-five~~ feet above the grade level of property on which the sign is located. ~~of the limited access highway (I-94) at its nearest point to the sign.~~ The sign may not be less than twenty-five feet nor more than two hundred feet ~~fifty feet~~ from the highway right-of-way line. ~~and may not be less than 100 feet from any other free-standing sign.~~

(9) Awning signs based on a formula of 1.2 times the building frontage in square footage. This shall not be used in combination with a canopy, fascia or projecting sign.

(10) Automatic changeable copy signs not exceeding twenty-five percent of the total allowed sign area for the premises.

(Ord. 8-87. Passed 6-2-87; Ord. 18-05. Passed 9-6-05.)

(b) Additional Limitations.

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(1) Where the lot abuts any R or AG District, the set-back distance shall be increased such that one foot of horizontal distance from the R or AG District is provided for each square foot of sign.

(2) Lots with dual street frontages are allowed signage on each street frontage. However, they may not combine permissible signage for one frontage with another frontage for the purpose of placing the combined area of signs on one frontage.

(3) Where more than one tenant or building shares a single parking area, there shall be permitted only one free-standing sign.

(4) Where more than 400 feet of major or secondary street frontage exists, a second free-standing sign shall be permitted with the same size and location limitations as specified in paragraph (a)(2) hereof, provided that the distance between the two signs is not less than 300 feet.

(Ord. 36-84. Passed 12-18-84.)

1296.38 SIGNS IN C-4 DISTRICTS.

Signs in the C-4 Central Business District shall be governed by the following regulations.

(a) An on-premises identification sign meeting the following restrictions is permitted:

(1) Facia or building signs, nonelectrical and nonilluminated, are permitted.

(2) The maximum area of the sign shall be 1.2 times the building frontage and in no case more than 100 square feet. Projecting signs are permitted, with a maximum area of twelve square feet. A projecting sign may be illuminated, and must maintain a minimum clearance of eight feet above the public right-of-way or sidewalk area. One projecting sign is permitted per tenant space, but may not be installed within ten feet of each other if on the same building, and must maintain at least ten feet of separation from projecting signs on any adjacent property.

(3) The maximum height shall be the lowest point of the second floor windows, or, if there are no windows, two feet below the roof line or cornice. Buildings in the Central Business District having a building street frontage of at least sixty feet are permitted a projecting sign with an area of no more than twenty square feet, and must maintain a minimum clearance of eight feet above the public right-of-way or sidewalk area. One projecting sign is permitted per tenant space, but may not be installed within twenty feet of each other if on the same building, and must maintain at least twenty feet of separation from projecting signs on any adjacent property.

(4) If a building or use has more than one street frontage, one sign may be permitted for each frontage in accordance with the area, height and location requirements contained in this chapter. In addition to the projecting signs permitted above, a building having at least two and a half stories, or thirty-five feet in height, may also display one banner for each twenty feet of street frontage. The banner may only identify the business located at this premise, not any products or services, must be of canvas or a similar durable material, and be well-maintained. The banner may not project more than three feet from the face of the building, may not exceed twenty total square feet in area, and must be located at its highest point at least two feet below the roof line or cornice.

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(5) The owner of the business establishment displaying a sign shall be strictly liable for and indemnify the City for any injury or damage to person or property caused by the size, placement or maintenance of a projecting sign which extends over any portion of a public sidewalk or right-of-way.

(6) Except for as provided in paragraph (a)(3) hereof, the maximum height for any sign permitted in the C-4 District shall be the highest point of the second floor windows, or, if there are no windows, two feet below the roof line or cornice.

(7) In no event may a sign contain individual letters exceeding two feet in height.

(b) Properties in the C-4 District having buildings set back from the street right-of-way at least twenty-five feet shall be permitted to erect a free-standing monument sign not exceeding fifty square feet in area and eight feet in height. Such sign shall be located at least fifteen feet from the right-of-way line and may be internally illuminated.

(c) Changeable-copy public service information signs are permitted, provided that there is only one per use, not exceeding twenty-four square feet in area, and provided that the copy does not change more frequently than once every 2.5 seconds.

(d) All community special event signs to be located within the C-4 District shall receive the prior approval of the City Commission. Such approval does not waive the requirement to obtain a sign permit from the Building Inspection Department.

(e) All signs or banners located within the Local Historic Central Business District must receive the approval of the Historic District Commission before permits will be issued.

(Ord. 36-84. Passed 12-18-84; Ord. 18-05. Passed 9-6-05; Ord. 11-06. Passed 4-18-06.)

1296.39 OFF-PREMISES OUTDOOR ADVERTISING SIGNS.

(a) As used in this section "off-premises outdoor advertising signs" means billboards and directional signs.

(b) This section specifies the regulations and conditions for the placement of off-premises outdoor advertising signs.

(c) Except as otherwise prohibited by this section, off-premises outdoor advertising signs are permitted in and limited to placement in C-3, I-1, and I-2 zoning districts. An off-premises outdoor advertising sign is not permitted to be erected or placed:

(1) On a premises located in a C-3 zoning district which also contains a freestanding on-premises sign.

(2) In C-3 districts having frontage on a limited access highway (I-94).

(d) Off-premises outdoor advertising signs are subject to the following conditions:

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(1) Such signs shall be placed not closer than 1,000 feet from any similar off-premises outdoor advertising sign on the same side of the right-of-way.

(2) Such signs shall not exceed 672 square feet of area when located on or facing a limited access highway, when all other conditions are met for placement and spacing and shall not exceed 300 square feet when located on any primary highway as used in the subsection, terms limited access highway and primary highway shall have the same meaning as provided for as in the Highway Advertising Act of 1972, being Public Act 106 of 1972, as amended.

(3) Such signs shall not exceed thirty-five feet in height.

(4) Such signs shall not be closer than ten feet from any property line, twenty feet from any street right-of-way, and 100 feet from any residential, public or quasi-public structure.

(5) Such signs shall be maintained free of peeling paint or paper, sun-fading, staining, rust or other conditions which impair the legibility, supporting structures, frames, braces, guys and anchors of such signs shall be maintained so as not to be unsafe or in a state of disrepair.

(6) Such signs shall not be illuminated other than by approved electrical devices in accordance with Chapter 1422 "Electrical Code." Underground wiring shall be required for any illuminated sign permitted under this section. Such signs shall not employ flashing, blinking or oscillating lights. Any lighting shall be directed away from adjacent properties, passing motorists and pedestrians.

(e) No billboard shall be erected at any time when there are seventy-five or more billboard faces in the City.

(f) Any billboard that is a non-conforming sign may be maintained and repaired so as to continue the useful life of the sign. However, under no circumstances may non-conforming billboards be expanded, enlarged or extended. Any non-conforming sign or sign structures substantially destroyed by fire, wind or other casualty shall not be restored or rebuilt.

(g) The City reserves all rights it is granted or permitted to regulate signs pursuant to the Highway Advertising Act of 1972 as amended and nothing in this subsection shall be interpreted or construed to in any way limit the ability of the City to regulate, restrict or limit the number and locations of billboards within the City pursuant to the Home Rule City Act, being Public Act 279 of 1909, as amended, the City and Village Zoning Act, being Public Act 207 of 1921, as amended, or the Highway Advertising Act of 1972, as amended.

(Ord. 12-01. Passed 9-4-01.)

1296.40 PERMITTED SIGNS IN I-1 AND I-2 INDUSTRIAL DISTRICTS.

In addition to off-premises outdoor advertising and directional signs permitted by right in Section 1296.39, any on-premises sign allowed in any other zoning district shall also be allowed in I-1 and I-2 Districts.

(Ord. 36-84. Passed 12-18-84.)